

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

NO. CR. S-00-012 LKK

Plaintiff,

v.

O R D E R

LAMANCE COOKIE BERT,

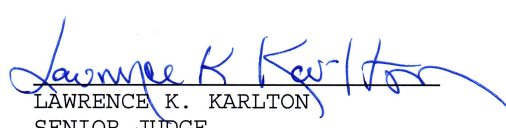
Defendant.

The court is in receipt of the government's response to defendant's motion to reconsider. While it does not appear that the Ninth Circuit gave due consideration to the issue supporting the Sixth Circuit's decision in United States v. Blewitt, that question must be resolved by the Ninth Circuit or the Supreme Court.

Accordingly, and reluctantly, I must deny defendant's motion to reconsider.

IT IS SO ORDERED.

DATED: May 28, 2013.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT